

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

DEBBIE JO DUNCAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-CV-254-FHM
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

OPINION AND ORDER

Plaintiff seeks an award of attorney fees in the amount of \$3,400.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. [Dkt. 23]. The Commissioner has stipulated to Plaintiff being awarded fees in the requested amount and no response was filed.

The undersigned finds that the amount of the fee request is reasonable. Based on that finding and the absence of any objection to the amount of the fee request, the undersigned finds that Plaintiff should be awarded EAJA fees in the amount of \$3,400.00. Pursuant to the Commissioner's usual practice, the check should be made payable to Plaintiff and mailed to counsel's address. If Plaintiff's attorney receives the fees awarded herein and attorney fees are also awarded and received by counsel under 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Plaintiff's Motion for Attorney's Fees Under the Equal Access to Justice Act, [Dkt. 23], is GRANTED as provided herein.

SO ORDERED this 18th day of November, 2015.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE